

NOTICE OF INTENT

**Department of Health
Health Standards Section**

**Healthcare Facility Sanctions
(LAC 48:I.Chapter 46)**

The Department of Health, Health Standards Section (the department), proposes to amend LAC 48:I.Chapter 46 as authorized by R.S. 36:254, 40:2009.11, 40:2009.23, 40:2199, and 40:2199.1. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The proposed Rule amends the provisions governing healthcare facility sanctions to clarify the type of signage to be displayed at healthcare facilities, and to ensure that the language of these Rules more accurately reflects that of the enabling statutes.

The Rule text below has been drafted utilizing plain language principles to ensure clarity and accessibility for all users. It has also been reviewed and tested for compliance with web accessibility standards.

Title 48

PUBLIC HEALTH-GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 46. Healthcare Facility Sanctions

Subchapter A. General Provisions

§4603. Definitions

* * *

Class C Violation—a violation of a rule or regulation in which a condition or occurrence relating to the maintenance and/or operation of a facility creates a potential for harm by directly threatening the health, safety, or welfare of the resident(s), patient(s) or client(s). Examples of class C violations include, but are not limited to:

1. - 6. ...

7. failure of a regulated entity to display on its premises at least one signage addressing workplace violence, which is at least 18 inches tall by 18 inches wide and written in the English language with letters that are not less than one-square-inch in size, in a conspicuous location in a ~~publically~~ publicly accessible area;

8. - 12. ...

* * *

~~Desk Review Health Standards Section's (HSS) the department's procedure for conducting administrative reconsiderations of sanctions in which a panel of HSS employees, who were not involved in the decisions to cite the deficiencies that were the basis of the sanction or impose the sanction, reviews the documentation submitted by the facility and the information on which the sanction was based and determines whether the sanction was appropriate. Oral presentations are not scheduled unless requested.~~

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AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.11, 40:2009.23, 40:2199 and 40:2199.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:3077 (November 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 49:1215 (July 2023), amended by the Department of Health, Health Standards Section, LR 51:72 (January 2025), LR 52:

Subchapter B. Sanctions and Standards for the Imposition of Sanctions

§4613. Civil Fines

A. - B.2. ...

C. Class C Violations

1. ...

2. A facility may elect to pay 50 percent of the civil fine imposed for a class C violation in exchange for waiving its right to an administrative reconsideration and appeal if it submits, and ~~HSS~~the department receives the following within 30 days of the facility's receipt of the civil fine notice:

C.2.a. - D.1. ...

E. Class E Violations

1. Civil fines for class E violations shall not exceed \$50 for the first violation and shall not exceed \$100 per day for repeat violations.

F. - F.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.11, 40:2009.23, 40:2199 and 40:2199.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:3079 (November 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 49:1217 (July 2023), amended by the Department of Health, Health Standards Section, LR 52:

Subchapter C. Notice and Appeals

§4641. Notice of Sanctions and Appeals

A. - B.6. ...

C. Waivers. When a civil fine for a class C violation is imposed, the facility may choose to waive its right to an administrative reconsideration and appeal hearing in exchange for paying 50 percent of the fine by submitting the waiver and payment to ~~HSS~~the department within 30 days of receipt of the notice imposing the civil fine.

D. Administrative Reconsideration. The facility may request an administrative reconsideration of the department's decision to impose a sanction.

1. The facility's request for an administrative reconsideration must:

a. ...

b. be received by ~~HSS~~the department within 10 calendar days of the provider's receipt of the notice of the imposition of the sanction; and

D.1.c. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.11, 40:2009.23, 40:2199 and 40:2199.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:3083 (November 2013), amended by the Department of Health, Health Standards Section, LR 52:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will not have an impact on family functioning, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will not have an impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will not have a fiscal impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will not have a fiscal impact on providers.

Public Comments

Interested individuals may submit written comments to Cecile Castello, RN, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Castello is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on June 26, 2026.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on June 9, 2026. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on June 25, 2026, in Room 173 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether a public hearing will be held, interested individuals should first call Allen Enger at (225) 342-1342 after June 9, 2026. If a public hearing is to be held, all interested individuals are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building).

Bruce D. Greenstein

Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Healthcare Facility Sanctions

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that implementation of this proposed Rule will have no programmatic fiscal impact on the state or local governmental units other than the cost of promulgation in FY 26. It is anticipated that \$781 will be expended in FY 26 for the state's administrative expense for promulgation of this proposed Rule and the final Rule.

This proposed Rule amends the provisions governing healthcare facility sanctions in order to update the definition of Class C Violation and desk review, and to modify language related to civil fines and notices of sanctions and appeals to ensure that the language of this Rule more accurately reflects that of the enabling statutes.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that implementation of this proposed Rule will have no impact on state or local revenue collections. This is a licensing Rule that does not add any licensing fees.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

It is anticipated that this proposed Rule will not result in any costs or economic benefits to healthcare providers, directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that this proposed Rule will not have an effect on competition or employment.